



## Bradford Berge

Partner

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**A trial lawyer since 1980, Brad Berge leverages extensive courtroom experience into efficient legal solutions.**

### PRACTICES

Environmental and Natural Resources  
 Environmental and Natural Resources  
 Litigation  
 Insurance Coverage and Risk  
 Management  
 Product Liability  
 Class Actions  
 Workplace Safety and Emergency  
 Response  
 Oil and Gas

### EDUCATION

University of Denver College of Law,  
 J.D., 1978

Pomona College and Colorado College,  
 B.A., 1975

### BAR ADMISSIONS

New Mexico  
 Colorado

### COURT ADMISSIONS

U.S. Court of Appeals for the Tenth  
 Circuit  
 U.S. Supreme Court

He has tried cases, including class actions, in federal and state courts throughout New Mexico, and he also represents clients in arbitrations as well as administrative proceedings and appeals. His experience covers all aspects of energy, oil and gas, mining and natural resources, as well as toxic torts, products liability, contracts and commercial disputes.

Brad previously managed the Environmental and Natural Resources Litigation Practice Group and was the Administrative Partner for the firm's Santa Fe office for over 10 years. He currently serves as one of the five members of the firm's Management Committee.

### EXPERIENCE

#### Commercial Litigation

Significant experience that covers:

- Contracts
- Personal injury
- Insurance
- Mass torts
- Fiduciary disputes
- Class actions

#### Environmental and Natural Resources Litigation

Represents a wide range of energy clients in New Mexico's federal and state courts in disputes relating to:

- Surface use
- Subsurface rights
- Soil and water contamination
- Royalty issues
- Carbon dioxide and tertiary recovery
- Well site accidents
- Environmental litigation

### CLIENT RESULTS

## Environmental Litigation

Defeated class certification in major groundwater contamination case; thereafter obtained defense verdict on all claims asserted by named plaintiffs.

Successful representation of several operators, contractors, and pipelines in toxic tort litigation and in arbitration and mediation of disputes related to alleged contamination of water, groundwater, and soil.

## Natural Resources Litigation

Successful defense of working interest owners, mineral owners, and lessees in several matters addressing surface and subsurface trespass, nuisance, surface use, and access.

Representation of national, regional, and local companies before courts and county authorities in matters relating to access, surface use, and drilling restrictions.

Representation of producers of oil, natural gas, and carbon dioxide in individual and class actions relating to royalty obligations.

## Tort Litigation

Lead defense counsel for several operators and contractors in suits over well site accidents, drilling and completion accidents, and trespasser claims.

Belongs to Holland & Hart's Emergency Response Team, with expertise in the legal implications for companies faced with catastrophic accidents.

Lead defense counsel in multiple cases involving construction accidents, dram shop claims, healthcare, and medical issues.

## Class Actions

Defeated class certification in groundwater contamination case relating to well drilling and completion techniques in the San Juan Basin.

Successfully represented statewide and national classes in suits involving defective radiant heating hose.

Successfully defended several insurers in putative class actions over modal premium payment policies.

## PUBLICATIONS

"Holland & Hart Scores Win for Mancos Shale Oil & Gas Operators; No Drilling Moratorium During Well Approval Process," *Holland & Hart News Update*, Co-Author, 05/01/2018

## RECOGNITION

- *The Best Lawyers in America*® Lawyer of the Year, Natural Resources Law – Santa Fe, 2013, 2017

- *The Best Lawyers in America*® Lawyer of the Year, Litigation – Environmental – Santa Fe, 2012, 2016
- *The Best Lawyers in America*® Natural Resources Law, Litigation – Environmental, Personal Injury Litigation – Defendants, Product Liability Litigation – Defendants, 2003-2020
- *Chambers USA: America's Leading Lawyers for Business*, Litigation: General Commercial
- *Southwest Super Lawyers*®, Personal Injury, Energy & Natural Resources
- *Southwest Super Lawyers*®, Top 25: New Mexico Super Lawyers, 2018-2019
- Martindale-Hubbell®, AV Preeminent® Rating

#### **PROFESSIONAL AND CIVIC AFFILIATIONS**

- American Board of Trial Advocates, Member
- New Mexico State Bar, Member
- Colorado Bar Association, Member
- American Bar Association, Member  
Litigation Section  
Toxic Torts and Environmental Committee
- New Mexico Supreme Court's Uniform Jury Instructions (Civil) Committee, 2001-2006